The state of the s

DECLARATION

As a below named inventor, I hereby declare that:

the specification of which

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled System and Method for Leveraging Networked Computers to View Windows Based Files on Linux Platforms,

(Check One): X	is attached hereto. was filed on	as
	Application Serial No	
	and was amended on (if applicable)	
I hereby state that I have the claims, as amende	ave reviewed and understand the contents of the above-identified specification, included by any amendment(s) referred to above. I acknowledge the duty to disclose information	ing ion

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above. I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 printed on the reverse side of this Declaration. I hereby claim foreign priority benefits under Title 35, United States Code §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Application No.	Country	Date of Filing	Priority Claimed	
			Yes	No
None				

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

Application No.	Date of Filing	Status-Patented, Pending or Abandoned
None		

GTW Docket #1901 Lyon & Lyon No: 258/278

APPLICABLE STATUTES & RULES

37 CFR 1.56: DUTY TO DISCLOSE INFORMATION MATERIAL To PATENTABILITY.

A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material application becomes abandoned. Information material to the patentability of a claim that is canceled or will order information which is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by ss 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct The Office encourages applicants to carefully examine:

- prior art cited in search reports of a foreign patent office in a counterpart application, and
 - the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- Under this section information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and (b)
 - It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
 - - It refutes, or is inconsistent with, a position the applicant takes in;
 (i) Opposing an argument of unpatentability relied on by the Office, or

(i) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt the translation of the patentability. to establish a contrary conclusion of patentability.

- Individuals associated with the filing or prosecution of a patent application within the meaning of this section are
 - Each inventor named in the application, (1)
 - Each attorney or agent who prepares or prosecutes the application; and
 - (2) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with
- the assignee or with anyone to whom there is an obligation to assign the application.
 Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

35 U.S.C. 102: CONDITIONS FOR PATENTABILITY; NOVELTY AND LOSS OF RIGHT TO PATENT

A person shall be entitled to a patent unless-

Di

ij.

Ų,

31

ij.

Handle Street

- the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent, or
- the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to (b) the date of the application for patent in the United States, or
 - he has abandoned the invention, or
- (c) (d) the invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate filed more than twelve months before the filing of the application in the United States, or
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent, or
- he did not himself invent the subject matter sought to be patented, or (g) before the applicant's invention thereof the invention was made in this country by another who had not abandoned, suppressed, or concealed it. In determining priority of invention there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.

35 U.S. C. 103: CONDITIONS FOR PATENTABILITY; NON-OBVIOUS SUBJECT MATTER

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negative by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same

person.

35 U.S.C. 119: BENEFIT OF EARLIER FILING DATE IN FOREIGN COUNTY; RIGHT OF PRIORITY (Applicable Portion)

An application for patent for an invention filed in this country by any person who has, or whose legal representatives or assigns have, previously regularly filed an application for a patent for the same invention in a foreign country which affords similar privileges in the case of applications filed in the United States or to citizens of the United States, shall have the same effect as the same application would have if filed in this country on the date on which the application for patent for the same invention was first filed in such foreign country, if the application in effect as the same application would have a fineful miss country in the carriest date on which such foreign application was filed; but no patent shall be granted on any application for a patent for an invention which has been patented or described in a printed publication in any country more than one year before the date of the actual filing of the application in this country, or which had been in public use or on sale in this country more than one year prior to such filing.

35 U.S.C. 120: BENEFIT OF EARLIER FILING DATE IN THE UNITED STATES

An application for patent for an invention disclosed in the manner provided by the first paragraph of section 112 of this title in an application previously filed in the United States, or as provided by section 363 of this title, by the same invention shall have the same effect, as to such invention, as though filed on the date of the prior application, if filed before the patenting or abandonment of or termination of proceedings on the first application or on an application similarly entitled to the benefit of the filing date of the first application and if it contains or is amended to contain a specific reference to the earlier filed application.

35 U.S.C. 112: SPECIFICATION (Applicable Portion)

The Specification shall contain a written description of the invention, and of the making and process of making and using it, in such full, clear, concise, and exact terms as to enabler any person skilled in the art to which it pertains, or with which it is most nearly connected, to make the use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The specification shall conclude with one or more claims particularly pointing out and distinctive claiming the subject matter which the applicant regards as his invention.

GTW Docket #1901 Lyon & Lyon No: 258/278

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE(S)

	Full name of first inventor: Gary E. Sullivan	
	Inventor's signature	
	Date	Country of Citizenship <u>USA</u>
	Residence 47 Apache Drive, Trabuco Canyon, CA 92679	
	Post Office Address Trabuco Canyon, CA	
# 15 m		
think this	Full name of second joint inventor: Mike J. Giffin	
	Inventor's signature	
n than an	Date5/29/01	Country of Citizenship <u>USA</u>
***	Residence 13566 Banyon Road, Tustin, CA 92782	
n de Marie	Post Office Address <u>Tustin, CA</u>	
	Full name of third joint inventor: Jeff LaSor	
n, is	Inventor's signature W. G.	
	Date 5/29/00	Country of Citizenship USA
	Residence 39 Viaggio, Foothill Ranch, CA 92610	,
	Post Office Address Foothill Ranch, CA	
	Full name of fourth joint inventor: Mark D Goddard	
	Inventor's signature Munk Seld	
	Date	Country of Citizenship USA
	Residence 19431 Rue De Valore, Apt 56A, Foothill Ranch, C	A 92679
	Post Office Address Foothill Ranch, CA	
	1 OSt Office Address 1 Octim Ranch, OA	

di fiame of fitti joint arventor. Rent Mr. Bowyng	
Inventor's signature B	
Date5/29/0/	Country of Citizenship USA
Residence 19431 Rue De Valore #4A, Foothill Ranch, CA	92610
Post Office Address Foothill Ranch, CA	

06/01/01

08:46 FAX 8587993413

GTW Docket No. 1901

POWER OF ATTORNEY

ONTENNAM INO Assissance dithe		i. Innt for
GATEWAY, INC., Assignee(s) of the a	opplication for United States Letters Pa	
System and Method for Leveragin	ng Networked Computers to View Wind (Title)	ows Based Files on Linux Platforms
by Gary E. Sullivan, Mik	e J. Giffin, Jeff LaSor, Mark D. Goddan	d, and Kent M. Bowling
	(Inventors)	
X executed on the date	(s) as indicated on the corresponding D	eclaration and Assignment therein,
or		
having Serial No	, filed	,
a copy of the Assignment of which is a of substitution and revocation, to prosoffice connected therewith:	attached hereto, do(es) hereby appoint ecute this application and transact all b	as attomeys of record with full power pusiness in the Patent and Trademark
Mark S. Walker, Reg. No. 30,699	Kenneth J. Cool, Reg. No. 40,570	Vivian S. Shin, Reg. No. 43,919
Roland N. Smoot, Reg. No. 18,718	Conrad R. Solum, Jr., Reg. No. 20,467	James W. Geriak, Reg. No. 20,233
Robert M. Taylor, Jr., Reg. No. 19.848	Samuel B. Stone, Reg. No. 19,297	Robert E. Lyon, Reg. No. 24,171
Robert C. Wels's, Reg. No. 24,939	Richard E. Lyon, Jr., Reg. No. 26,300	John D. McConaghy, Reg. No. 26,773
William C. Steffin, Reg. No. 26,811	Coe A. Bloomberg, Reg. No. 26,605	J. Donald McCarthy, Reg. No. 25,119
James H. Shalek, Reg. No. 29,749 James C. Brooks, Reg. No. 29,898	Robert W. Dickerson, Reg. No. 29,914	David B. Murphy, Reg. No. 31,125
James C. Brooks, Reg. No. 29,898	Jeffrey M. Olson, Reg. No. 30,790	Steven D. Hemminger, Reg. No. 30,755
Jerrold B. Reilly, Reg. No. 32,293	Paul H. Meier, Reg. No. 32,274	John A. Rafter, Jr., Reg. No. 31,653
Kenneth H. Ohriner, Reg. No. 31,646	Lois M. Kwasigroch, Reg. No. 35,579	Lawrence R. LaPorte, Reg. No. 38,948
Hope E. Melville, Reg. No. 34,874	Michael J. Wise, Reg. No. 34,047	Kurt T. Mulville, Reg. No. 37,194
Theodore S. Macelko, Reg. No. 35,593	Bruce G. Chapman, Reg. No. 33,846	David A. Randall, Reg. No. 37,217
Corrine M. Freeman, Reg. No. 37,625	David T. Burse, Reg. No. 37,104	Jeffrey A. Miller, Reg. No. 35,287
James T. Carmichael, Reg. No. 45,306	Bernard F. Rose, Reg. No. 42,112	Troy M. Schmelzer, Reg. No. 36,667

Please address correspondence to:

Ivan M. Posey, Reg. No. 43,865

Lyon & Lyon LLP

Attn: Ivan Posey

Sixth Floor, 1900 Main Street

David E. Wang, Reg. No. 38,358

Irvine, CA 92614

!, the undersigned, declare that I am empowered to execute this Power of Attorney on behalf of the Assignee. The above-identified Assignee is the owner of this application by reason of an assignment being filed with the Patent Office for recordation concurrently herewith. In accordance with 37 CFR § 3,373(b), I certify that I have reviewed all documents in the chain of title, and to the best of my knowledge, all right, title, and interest is in the above-identified Assignee, and I further declare that all statements made herein of my own knowledge are true The state of the second second

ļ,

11/01 08:46 FAX 8587993413 GAT

GATEWAY

GTW Docket No. 1901

POWER OF ATTORNEY

and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full Name of Assignee	GATEWAY, INC.	
Post Office Address	4545 Towne Centre Court, San Diego, CA	92121-3030
Signature of Declarant or Assignee	menherian	Date 6-1-200)
Full Name of Declarant		
If Other Than Assignee	Mark S. Walker, Reg. No. 30,699	
Title of Declarant	Group Counsel, intellectual Property	
Address of Declarant	Address of Declarant 4545 Towne Centre Court, San Diego, CA 92121-3030	